



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

October 7, 1998

Mr. Roland Castañeda  
General Counsel  
Dallas Area Rapid Transit  
P. O. Box 660163  
Dallas, Texas 75266-0163

OR98-2379

Dear Mr. Castañeda:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 118706.

Dallas Area Rapid Transit (DART) received a request for information relating to an employee's ten day suspension. You state that you have released copies of 105 documents to the requestor.<sup>1</sup> You contend that a portion of one responsive document is excepted from disclosure under section 552.107 of the Government Code. We have considered the exception you claim and have reviewed the document at issue.

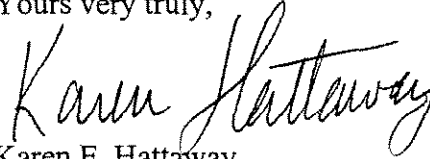
Section 552.107(1) of the Government Code protects information that an attorney cannot disclose because of a duty to his client. In Open Records Decision No. 574 (1990), this office concluded that section 552.107(1) excepts from public disclosure only "privileged information," that is, information that reflects the client's confidential communications to the attorney and the attorney's legal advice or opinions. ORD 574 at 5-7. Section 552.107(1) does not, however, protect purely factual information. *Id.* You have bracketed in red one handwritten paragraph that you contend is excepted from disclosure under section 552.107(1). This paragraph appears to be legal advice. Assuming this legal advice was directed to a DART official involved in disciplining the employee and not to the disciplined employee himself, DART may withhold the handwritten paragraph from disclosure under section 552.107(1).

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<sup>1</sup>We note that you also submitted copies of these documents to this office. We are assuming that this submission was for informational purposes only.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, reading "Karen Hattaway". The signature is fluid and cursive, with the first name "Karen" and last name "Hattaway" clearly distinguishable.

Karen E. Hattaway  
Assistant Attorney General  
Open Records Division

KEH/ch

Ref: ID# 118706

Enclosures: Submitted documents

cc: Mr. John A. Haring  
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2501 Cedar Springs, Suite 250  
Dallas, Texas 75201  
(w/o enclosures)